

EXHIBIT 3

NEIFELD REF: SCOT0017-4

CLIENT REF: SCOT0017-4

Application/Patent No: 13/035,964

USPTO CONF. NO: 3990

File/Issue Date: 2/26/2011

Inventor: Moskowitz, Scott

Title: Method and device for monitoring and analyzing signals

Examiner/ArtUnit: UNASSIGNED

ENTITY STATUS: LARGE

Priority claims and PCT Intl data:

This application is a continuation of 12/655,357 12-22-2009, Patented 7,949,494

is a continuation of 12/005,229 12-26-2007 Patented 7,660,700

is a continuation of 09/657,181 09-07-2000 Patented 7,346,472

37 CFR 1.7(c) FILING RECEIPT AND TRANSMITTAL LETTER WITH
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

1. THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES WHICH MAY BE REQUIRED, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NUMBER 50-2106.

2. FEES (PAID HERewith BY EFS CREDIT CARD SUBMISSION) \$: 1500
Independent claims, 4 additional independent claims over 3 previously paid for: $250 \times 6 =$
\$1500
total number of claims, no additional: \$0

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED HERewith:
37 CFR 1.111 AMENDMENT REMARKS
37 CFR 1.111 AMENDMENT CLAIMS

4. **FOR INTERNAL NEIFELD IP LAW, PC USE ONLY**

Disbursements: BankAcct#, PClaw billing matter, G/L, check, amount, and entry date:

6/SCOT0001/5010/1297/\$1500/1-20-2012

Service Fees: Amount/CreditAtty/entry date/Services: \$400/ran/1-20-2012/Gov. fee payment

INITIALS OF PERSON WHO *ENTERED* ACCOUNTING DATA: RAN

ATTORNEY SIGNATURE (AUTHORIZING DEPOSIT ACCOUNT)

DATE: SIGNATURE: /RichardNeifeld#35,299/

PRINTED NAME: RICHARD NEIFELD, REG. NO. 35,299

Printed: January 20, 2012 (1:29pm)

REMARKS

This is a response to the non final office action (OA) dated 10/24/2011. The OA examines claims 101-120, rejects claims 101-115, and 117-120, and objects to claim 116. The undersigned called Examiner Tsai on 1/19/2012 to discuss this case, and left a vm message, requesting a discussion.

The OA rejects claims 101, 102, 104-115, and 118-120 under 102(b) based upon USP 5617506 to Burk.

The OA rejects claim 103 under 103 based upon Burk and USP 5327520 to Chen.

The OA rejects claim 117 under 103 based upon Burk and USP 5901178 to Lee.

Claims 101-115 and 117-120 remain pending. Claim 116 is canceled.

Claims 101, 102, 105, 107, 108, 109, 117, 119, and 120, are independent.

APPLIED PRIOR ART

Burk is directed to compression of digital audio signals. Background section, Summary of the invention. Burk is specifically directed to a problem relating to use of compressed delta values to compress digital audio. Burk last two paragraphs of the Background sections, and last 5 paragraphs of the Summary of the invention section. Burk discloses compression "determined by which value $y_{sub.i}$ regenerates into a value $s'_{sub.i}$ that most closely matches the original sample $s_{sub.i}$ ".

Chen is directed to use of a model for speech, which is based upon the structural features of anatomy resulting in human speech, the glottis, and the vocal tract. See Chen's Summary of Invention section indicating that Chen's VMC is based upon LDC.

Lee is directed to post-compression hidden data transport for video. However, the OA relies upon its disclosure of use of a psycho visual model in Lee's prior art figure 1. Lee Fig. 1 and description therein explain how video data is transformed from spatial frequency ranges to a one dimensional data stream (125), normalized, and then allocated a relative number of bits (14) depending upon the relative video energy in each spatial frequency range as determined by the psycho acoustic model (160).

CLAIM 101

Claim 101 read:

101. (New) A system, comprising:

non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts. The OA rejected claim 101 and indicated claim 116 was allowable. Accordingly, we amend claim 101 to include the limitations of claim 116 and cancel claim 116.

CLAIM 102

Claim 102 read:

102. (New) The system of claim 101, wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal so that each one of said plurality of digital reference signal abstracts in said database is distinct from one another.

Support for claim 102 appears in para [0042] in the publication of our application: [0042] In some cases, the engine will also consider the NULL case for a generalized item not in its database, or perhaps in situations where data objects may have collisions. For some applications, the NULL case is not necessary, thus making the whole system faster. For instance, databases which have fewer repetitions of objects or those systems which are intended to recognize signals with time constraints or capture all data objects. Greater efficiency in processing a relational database can be obtained because the rules for comparison are selected for the maximum efficiency of the processing hardware and/or software, whether or not the processing is based on psychoacoustic or psychovisual models. The benefits of massive data reduction, flexibility in constructing appropriate signal recognition protocols and incorporation of cryptographic techniques to further add accuracy and confidence in the system are clearly improvements over the art. For example, where the data reduced abstract needs to have further uniqueness, a hash or signature may be required. And for objects which have further uniqueness requirements, two identical instances of the object could be made unique with cryptographic techniques.

Claim 102 is rejected as anticipated by Burk. Burk does not mention "hash" or "signature". Accordingly, we amend claim 102 to include the "hash" or the "signature" limitation in the generation of the abstract and to place it in independent form.

CLAIMS 103 AND 104

No comment.

CLAIM 105

Claim 105 read:

105. (New) The system of claim 101, wherein said digital reference signal is a digital representation of one of a plurality of different versions of an audio, video, and other multimedia work, and wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal so that said digital reference signal comprises signal characteristic parameters that differentiate between said plurality of different versions of said audio, video, and other multimedia work.

Claim 105 is rejected as anticipated by Burk. Burk is specifically directed to only audio. Accordingly, we amend claim 105 to exclude audio, change video to visual, and to place it in independent form.

CLAIM 106

No comment.

CLAIM 107

Claim 107 read:

107. (New) The system of claim 101, wherein said at least one processor is programmed or structured to determine if said digital reference signal abstract matches one of said plurality of digital reference signal abstracts stored in said database.

Our specification states that:

"[0046] 3) Absolute error criteria, including particularly the NULL set (described above) The NULL may be utilized in two significant cases: First, in instances where the recognized, signal appears to be an identified object which is inaccurately attributed or identified to an object not handled by the database of objects; and second, where a collision of data occurs. For instance, if an artist releases a second performance of a previously recorded song, and the two performances are so similar that their differences are almost imperceptible, then the previously selected criteria may not be able to differentiate the two recordings. Hence, the database must be "recalibrated" to be able to differentiate these two versions. Similarly, if the system identifies not one, but two or more, matches for a particular search, then the database may need "recalibration" to further differentiate the two objects stored in the database."

Claims 107 is rejected as anticipated by Burk. Burk does not disclose recalibrating when two abstracts in the database are indistinguishable. Accordingly, we amend claim 107 to define the recalibration in this situation and to place it in independent form.

CLAIM 108

Claim 108 reads:

108. (New) The system of claim 101, wherein said processor is programmed or structured to change selected criteria to use for generating said digital reference signal abstract from said digital reference signal when said at least one processor determines that said digital reference signal abstract matches one of said plurality of digital reference signal abstracts stored in said database.

Claim 108 is rejected over Burk. Burk does not disclose a system "programmed or structured to change selected criteria" in response to indistinguishable abstracts. Accordingly, we amend claim 108 to place it in independent form.

CLAIM 109

Claim 109 reads:

109. (New) The system of claim 101, said at least one processor is programmed or structured to compare a digital query signal abstract to said plurality of digital

reference signal abstracts stored in said database to generate a compare result.

Claim 109 is rejected over Burk. The limitations of claim 109 are not addressed in the OA. Burk does not disclose comparing two abstracts to one another. Accordingly, we amend claim 109 to place it in independent form, and correct a grammar error.

CLAIMS 110-113, AND 115

Claims 110 to 113 depend upon claim 109. These claims are rejected over Burk. The limitations of these claims are not addressed in the OA. Our specification states that:

"[0036] The fifth element is the recorder which records information about the number of times a given signal is analyzed and detected. The recorder may comprise a database which keeps track of the number of times a song, image, or a movie has been played, or may generate a serial output which can be subsequently processed to determine the total number of times various signals have been detected. "

and

"[0035] The fourth element is the comparing device which is able to compare the selected object using the features selected by the feature selector to the plurality of signals in the reference database to identify which of the signals matches the monitored signal. Depending upon how the information of the plurality of signals is stored in the reference database and depending upon the available computational capacity (e.g., speed and efficiency), the exact nature of the comparison will vary. For example, the comparing device may compare the selected object directly to the signal information stored in the database. Alternatively, the comparing device may need to process the signal information stored in the database using input from the feature selector and then compare the selected object to the processed signal information. Alternatively, the comparing device may need to process the selected object using input from the feature selector and then compare the processed selected object to the signal information. Alternatively, the comparing device may need to process the signal information stored in the database using input from the feature selector, process the selected object using input from the feature selector, and then compare the processed selected object to the processed signal information."

The compare result indications of claims 110, 111, the query signal receipt counter of claim 112, and the first digital signal abstract match recorder of claim 113, are not disclosed by Burk. Claim 115 depends from claim 110 and is not anticipated by Burk for the reasons applicable to claim 110.

CLAIM 114

No comment.

CLAIM 116

The OA indicates that claim 116 is allowable. Claim 101 is amended to include the limitations of claim 116, and claim 116 is canceled.

CLAIM 117

Claim 117 read:

117. (New) The system of claim 101, wherein said wherein said at least one processor is programmed or structured to apply at least one of psycho-acoustic model and a psycho-visual model to generate said digital reference signal abstract from said digital reference signal.

The OA rejects claim 117 as obvious based upon Burk and Lee. The OA concludes that Lee suggests modifying Burk to use a psycho acoustic model or a psycho visual model to generate digital reference signal abstract from the digital reference signal. The OA cites Lee 8:6-12.

Burk is not directed to video. Burk deals with a problem specific to compression of audio. Lee's digital video compressor, Fig. 1, is specific to video, relying upon spatial frequencies absent from Burk's audio. There are no spatial frequencies in Burk to which to apply Lee's psycho video model. The OA states that basis for the modification of Burk to be "in order to provide a video transform samples in a compressed digital signal." However, Burk is not directed to video. Accordingly, the stated basis for the motivation to modify Burk is inapplicable. The undersigned believes, therefore, that the rejection of claim 17 is improper, and should be withdrawn.

Accordingly, claim 117 is amended to place it in independent form.

CLAIM 118

No comment.

CLAIMS 119 AND 120

These claims are method and computer program product analogs of claim 101. Accordingly, they are being amended similarly to claim 101.

/RichardNeifeld#35,299/
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ATTORNEY OF RECORD

RAN

Date/time code: January 20, 2012 (1:29pm)

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Inc\SCOT0017-4\Drafts\Amendment_Remarks_Claims_SCOT0017-4_1-19-2012.wpd

IN THE CLAIMS

1-100. (Canceled).

101. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

wherein said non transitory memory further comprises a second database for storing a plurality of second database digital reference signal abstracts;

wherein said at least one processor is programmed or structured to generate a second database digital reference signal abstract from said digital reference signal such that said second database digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal, and wherein said second database digital reference signal abstract is distinct from said digital reference signal abstract; and

wherein said at least one processor is programmed to store said second database digital reference signal abstract in said second database as one of said plurality of second database digital reference signal abstracts.

102. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital

reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101;~~

wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal and at least one of a hash and a signature, so that each one of said plurality of digital reference signal abstracts in said database is distinct from one another.

103. (Previously Presented) The system of claim 101, wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal by using perceptual qualities of said digital reference signal in generating said digital reference signal abstract such that the abstract retains a perceptual relationship to said digital reference signal.

104. (Previously Presented) The system of claim 101 wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is self similar to said digital reference signal.

105. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;

at least one processor;
wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101;~~

wherein said digital reference signal is a digital representation of one of a plurality of different versions of ~~an audio, video, and other~~ a visual work and a multimedia work, and

wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal so that said digital reference signal comprises signal characteristic parameters that differentiate between said plurality of different versions of said ~~audio, video, and other~~ visual work and said multimedia work.

106. (Previously Presented) The system of claim 101, wherein said at least one processor is programmed or structured to select criteria to use for generating said digital reference signal abstract from said digital reference signal.

107. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference
signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital
reference signal abstract from a digital reference signal such that said digital reference signal
abstract is similar to said digital reference signal and reduced in size compared to said digital
reference signal; and

wherein said at least one processor is programmed to store said digital reference signal
abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101,~~

wherein said at least one processor is programmed or structured to determine if said digital reference signal abstract matches one of said plurality of digital reference signal abstracts stored in said database; and

wherein said processor is programmed to recalibrate said database in response to a
determination that said digital reference signal abstract matches one of said plurality of digital
reference signal abstracts stored in said database.

108. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference
signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital
reference signal abstract from a digital reference signal such that said digital reference signal

abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101,~~

wherein said processor is programmed or structured to change selected criteria to use for generating said digital reference signal abstract from said digital reference signal when said at least one processor determines that said digital reference signal abstract matches one of said plurality of digital reference signal abstracts stored in said database.

109. (Currently Amended) A system, comprising:

non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101,~~

wherein said at least one processor is programmed or structured to compare a digital query signal abstract to said plurality of digital reference signal abstracts stored in said database to generate a compare result.

110. (Previously Presented) The system of claim 109, wherein said compare result indicates no match between said digital query signal abstract to said plurality of digital reference signal abstracts stored in said database.

111. (Previously Presented) The system of claim 109, wherein said compare result indicates a match between said digital query signal abstract and a first digital reference signal abstracts of said plurality of digital reference signal abstracts stored in said database.

112. (Previously Presented) The system of claim 109, wherein said memory further defines a digital query signal abstract receipt recorder recording a number times said at least one processor receives said digital query signal abstract for comparison with said plurality of digital reference signal abstracts stored in said database.

113. (Previously Presented) The system of claim 109, wherein said memory further defines a first digital reference signal abstract match recorder recording a number of times said at least one processor determines a match between a digital query signal abstract and first digital reference signal abstract of said plurality of digital reference signal abstracts stored in said database.

114. (Previously Presented) The system of claim 101, wherein said at least one processor is programmed or structured to generate said digital query signal abstract from a digital query signal such that said digital query signal abstract is similar to said digital query signal and reduced in size compared to said digital query signal.

115. (Previously Presented) The system of claim 110, wherein said at least one processor is programmed or structured to use an algorithm to generate said digital reference signal abstract from said digital reference signal; and wherein said at least one processor is programmed or structured to use said algorithm to generate said digital query signal abstract from said digital query signal.

116. (Canceled)

117. (Currently Amended) A system, comprising:
non transitory memory comprising a database for storing a plurality of digital reference
signal abstracts;

at least one processor;

wherein said at least one processor is programmed or structured to generate a digital
reference signal abstract from a digital reference signal such that said digital reference signal
abstract is similar to said digital reference signal and reduced in size compared to said digital
reference signal; and

wherein said at least one processor is programmed to store said digital reference signal
abstract in said database as one of said plurality of digital reference signal abstracts;

~~The system of claim 101,~~

wherein said wherein said at least one processor is programmed or structured to apply at least one of psycho-acoustic model and a psycho-visual model to generate said digital reference signal abstract from said digital reference signal.

118. (Previously Presented) The system of claim 101, wherein said at least one processor is programmed to generate said digital reference signal abstract.

119. (Currently Amended) A method, comprising:
storing in non transitory memory a database for storing a plurality of digital reference signal abstracts;

generating with at least one processor a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

storing with said at least one processor said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

wherein said non transitory memory further comprises a second database for storing a plurality of second database digital reference signal abstracts;

wherein said at least one processor is programmed or structured to generate a second database digital reference signal abstract from said digital reference signal such that said second database digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal, and wherein said second database digital reference signal abstract is distinct from said digital reference signal abstract; and

wherein said at least one processor is programmed to store said second database digital reference signal abstract in said second database as one of said plurality of second database digital reference signal abstracts.

120. (Currently Amended) A computer program product stored on non transitory memory media, which, when installed on a computer system having at least one processor and non transitory memory, causes said computer system to perform the steps comprising:

storing in said non transitory memory a database for storing a plurality of digital reference signal abstracts;

generating with said at least one processor a digital reference signal abstract from a

digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and

storing with said at least one processor said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;

wherein said non transitory memory further comprises a second database for storing a plurality of second database digital reference signal abstracts;

wherein said at least one processor is programmed or structured to generate a second database digital reference signal abstract from said digital reference signal such that said second database digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal, and wherein said second database digital reference signal abstract is distinct from said digital reference signal abstract; and

wherein said at least one processor is programmed to store said second database digital reference signal abstract in said second database as one of said plurality of second database digital reference signal abstracts.

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Date/Time code: January 20, 2012 (1:29pm)

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